

ATTACHMENT 2

EXHIBIT B - CONDITIONS OF APPROVAL DRC2015-00039 FOSHAY

Approved Development

1. This approval authorizes:
 - a. The construction of a winery facility with a public tasting room. The winery facility will total 9,416 sf and that will include, a 3,423 sf wine storage/barrel storage area; a 3,123 sf processing area; an 870 sf tasting room; and a 2,000 sf outdoor covered crush pad. The project will result in the disturbance of approximately 37,390 sf (0.86 acres) for related site improvements.
 - b. A maximum of six special events per year with no more than 80 guests.
 - c. Amplified music for special events between the hours of 10 a.m. to 5 p.m. as allowed per Section 22.30.070.di.(3). No outside amplified music shall occur before 10 a.m. or after 5 p.m.
 - d. An annual production of 10,000 cases of wine.

Conditions to be completed at the time of application for construction permits or prior to issuance of construction permits

Development

2. All development shall be consistent with the approved site plan, preliminary-grading plans, floor plans, and elevations.

Access

3. **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include as applicable:
 - a. Road plan and profile for widening the project side of Klau Mine Road to an A-1 rural road standard for ¼ mile from Dodd Ranch Road westerly towards Adelaida Road.
 - b. Reconstruct the existing primary and secondary access driveway approaches in accordance with B-1 standards for rural roadways.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
4. **At the time of application for construction permits**, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Planning and Building to secure a Grading Permit to construct primary and secondary site access (driveway) improvements in accordance with County Cal Fire standards. The plan is to include, as applicable:
 - a. Road plan and profile for widening Dodd Ranch Road.
 - b. Road plan and profile for widening the secondary (emergency) access road/s.
 - c. Tree removal plan
 - d. Drainage plan
 - e. Environmental permits as required.

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5. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the primary and emergency access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights, be binding upon their heirs and assigns, and be recorded with the County Clerk on each of the effected properties.

Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage of the Land Use Ordinance).
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Environmental Health Department

8. **Prior to issuance of a construction permit**, the applicant shall obtain the appropriate Health Department permits. The Health Department will require the applicant to complete the following:
 - a. A Hazardous Materials Questionnaire.
 - b. Evidence that there is adequate water to serve the proposal, on the site.
 - c. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.
 - d. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department. Per the approved land use permit, the commercial kitchen shall not be authorized to function as a restaurant.
 - e. If water is made available to 25 or more employees at any one time, or to members of the public, then the applicant shall be required to have public water supply system.

Water

9. **At the time of application for construction permits**, the applicant shall incorporate best management practices for water conservation purposes throughout the winery and tasting room.
10. **At the time of application for construction permits**, the applicant shall show on the construction permits, project designs that will maximize the use of pervious and semi-pervious areas in order to promote groundwater recharge and/or stormwater management minimize erosion and sedimentation and protect farmland for agricultural use.

Exterior Lighting

11. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

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Fire Safety

12. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Fees

13. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities and road fees.
14. (TR-1) **At the time of application for construction permits**, the applicant shall be responsible for paying to the Department of Public Works a fair share contribution towards the intersection improvement at Adelaida Road and Nacimiento Lake Drive. This fee shall be paid with the issuance of each future building permit and shall be based on the peak hour (Friday afternoon) trip generated by the project, calculated as two (2) by EG Civil Engineering, in their letter report dated 6/27/16. Currently, the fee shall be \$2,051 per peak hour trip (\$4,102 total fee), but may be adjusted annually based on the Caltrans Construction Cost Index.

Biological

15. (BIO-1) **At the time of application for construction permits**, the applicant shall submit a tree replacement plan to be reviewed and approved by the Department of Planning and Building. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not removed.
16. (BIO-3) **Prior to construction**, the applicant shall avoid potential impacts to nesting birds. Tree removal associated with project activities shall be limited outside the bird nesting season, which is March 15th to August 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Access

17. **Prior to occupancy or final inspection**, the applicant shall provide evidence to the Department of Planning and Building that primary and emergency access driveways have been designed and constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
18. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

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19. (HAZ-1) **Prior to final inspection**, the applicant shall provide evidence to the Department of Planning and Building that the secondary access road has met all relative requirements for grade/width and all-weather surface or paving per CAL FIRE's standards and Fire Safety Letter dated December 4, 2015.

Biology

20. (BIO-2) **Prior to final inspection**, the applicant shall replace, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each tree impacted but not removed. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Wastewater

21. Liquid waste generated by the winery operations must be discharged to a waste water system designed by a civil engineer with expertise in the design of winery wastewater systems and approved by the County Building Official or Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use. Prior to discharge of winery wastewater, the applicant shall obtain approval/permits from the Regional Water Quality Control Board. In no case shall winery wastewater be discharged into a stream or other surface water.

Fire Safety

22. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Exterior Lighting

23. **Prior to occupancy or final inspection**, any lighting located or installed on the outside of the winery building shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Planning and Building Inspection

24. **Prior to occupancy of any structure**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

Time Limits

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

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26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Access

27. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
28. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the traveled way of any road open to public traffic.
29. Any gate constructed on a driveway to the site shall be a minimum of 75-feet from the traveled way of any Collector or Arterial Road.

Hazards and Hazardous Materials

30. (HAZ-2) **For the life of the project**, as mitigation for the extended response time from the nearest CAL FIRE/County Fire station, an individual trained and certified as an Emergency Medical Technician (E.M.T.) within the county of San Luis Obispo shall be required at all events. This person shall not be a "guest" or an attendee of the event and must also function as a Fire Watch throughout the event(s).

Drainage

31. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Outdoor Storage

32. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.
33. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.

Pomace

34. Solid vegetable waste from the winery (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Recycling

35. The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

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Air Quality

36. (AQ-1) **For the life of the project**, one of the following measures must be implemented:

- a. Pave and maintain Borealis Way, driveways, and/or parking areas.
- b. Maintain Borealis Road and unpaved driveways, and/or parking areas with dust suppressant (See Technical Appendix 4.3 of the APCD's CEQA Handbook for a list of the APCD-approved suppressants) such fugitive dust emissions do not exceed the APCD 20% opacity limit of greater than 3 minutes in any 60 minute period (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
- c. Maintain design standards to ensure vehicles that use unpaved access to the site are physically limited (e.g. speed bumps) to posted speed limit of 15 mph or less.

37. (AQ-2) APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

Notification

38. The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:

- a. A complete listing of all scheduled events including dates, times and number of attendees;
- b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
- c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
- d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

Commercial Kitchen

39. This approval does not allow the commercial kitchen to function as a restaurant.